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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,610	09/29/2003	Ramon C. Dezutter	WEYE121777/25328	4199

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,610

Applicant(s)

DEZUTTER ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04; 2/6/06; 1/24/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1) Applicants' election without traverse of invention I, drawn on claims 1-7, in the reply filed on 4/17/2006, is acknowledged.

Applicants cancel claims 8-16 of non-elected invention II.

Drawings

2) Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification, pg. 4, discloses Figure 8 to be a process of application number 09/998,143, now U.S. 6,748,671.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3) Claims 2-3, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-3 are not clear as to the distances claimed and as to the "three distances being approximately the same". Is each set of distances compared to each other or to all the distances. The distances are not identified on the drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 1-3, 5, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Thale (3,554,453).

Claim 1: Thale discloses a machine or a flaker, for fibrous pulp materials shredding or fluffing (col. 1, lines 3-48, Abstract). Into the housing 1 of the apparatus,

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fibrous pulp is entering through inlet 2 onto two rotating rollers 3 and 4. Each of the rollers has a plurality of fingers, wherein as the rollers rotate the fingers of one roller pass interspaced between the fingers of the second roller in the region between the rollers. The rollers are connected to and driven by separate motors. The direction of rotation is indicated in Figure 4 (col. 3, lines 31-49, and Figures 1, 2, 4). The rollers are rotating in opposite directions, or in the least, it would be obvious to one skilled in the art at the time the invention was made, that the rollers are rotating in opposite directions in order to perform the fluffing operation at the lowest energy level and thus at a most cost efficient manner.

Claims 2-3: the distances are disclosed (col. 4, lines 29-70, and Figure 5).

Claim 5: roller 3, also identified as holding roller, rotates at a rate of feed entering the apparatus, which is below 1 m/sec, about 0.5 m/sec(col. 2, lines 65-75, col. 5, lines 5-10). Roller 4, also identified as shredding roller, rotates at peripheral speed of 20 to 50 m/sec, but may rotate at a speed lower than 15 m/sec, at which speed the efficiency of the process is reduced (col. 3, lines 5-10, col. 5, lines 22-30).

6) Claims 4, 6-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Thale.

Claim 4: roller 3, also identified as holding roller, rotates at a rate of feed entering the apparatus, which is below 1 m/sec, about 0.5 m/sec(col. 2, lines 65-75, col. 5, lines 5-10). Roller 4, also identified as shredding roller, rotates at peripheral speed of 20 to 50 m/sec, but may rotate at a speed lower than 15 m/sec, at which speed the efficiency of the process is reduced (col. 3, lines 5-10, col. 5, lines 22-30). It would have been

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obvious that the roller rotates at the claimed rpm, since the range of about 500 rpm to about 3600 rpm calculates to about 8.3 rps to about 60 rps, which is easily achieved by at least roller 4.

Claims 6-7: Thale is applied as above for claim 1, Thale fails to disclose the claimed speed differential, however, in view that the rollers are driven by separate motors, and in view of the rollers speed operation (see claim 5, above), it would have been obvious to one skilled in the art at the time the invention was made, to adjust the speed differential to the claimed differential.

Conclusion

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Halpern", with a stylized, flowing script.

Mark Halpern
Primary Examiner
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